UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/454,221	12/09/1999	MADAN MOHAN R. APPIAH	MS1-435US	3503

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EXAMINER
WILLETT, STEPHAN F

ART UNIT	PAPER NUMBER
2141	

DATE MAILED: 12/14/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	09/454,221	APPIAH ET AL.
	Examiner	**Art Unit**	
	Stephan F Willett	2141	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *12 July 2004*.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-40* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-40* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 112

1.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and
>
> distinctly claiming the subject matter which the applicant regards as his invention.

2.   Claims 1, 15, 26, 33, and 35 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The "installing ... not at the client" is unclear since the client must have a driver to communicate with the server's driver.

1.   The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2.   Claims 1, 15, 26, 33, and 35 are rejected under 35 U.S.C. 112, first paragraph, as

containing subject matter which was not described in the specification in such a way as <u>to enable</u>

one skilled in the art to which it pertains, or with which it is most nearly connected, to make

and/or use the invention. Specifically, the "installing ... not at the client" is not enabled in the

Specification, thus it was ignored.

Claim Rejections - 35 USC □ 102

1.   The following is a quotation of the appropriate paragraphs of 35 U. S.C. 102(e) that form

the basis for the rejections under this section made in this Office action:

> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed
> in the United States before the invention by the applicant for patent or (2) a patent granted on an application for
> patent by another filed in the United States before the invention by the applicant for patent, except that an
> international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this
> subsection of an application filed in the United States only if the international application designated the United
> States and was published under Article 21(2) of such treaty in the English language.

2.   Claims 1, 2, 14-17, 26-28, 33-35 are rejected under 35 U.S.C. 102(e) as being anticipated

by Pager et al. with Patent Number 6,772,420.

3.   Regarding claim(s) 1, 14-17, 26-28, 33-35, Pager teaches determining driver

compatibility. Pager teaches receiving a driver identifier for a printer attached to the client as

"network device", col. 3, line 65, by the client as "itself ... with a unique IP address" and

"automatically", col. 4, lines 4-6. Pager teaches selecting a closest matching driver as

"matching", col. 4, lines 64-65 based on "type information", col. 4, line 57 and/or "model and

version", col. 5, line 3. Pager teaches installing the selected driver, col. 5, lines 28-31. Pager

teaches printing using the installed driver, col. 1, lines 13-17. Pager teaches a driver library as

DLL, col. 4, lines 66-67. Pager teaches installing a print driver on the server side as "installs it

on a network server", col. 5, lines 29-30 for printing at the client printer as "querying the

particular device", col. 5, lines 31-35.

3.   Regarding claims 2, Pager teaches receiving a driver identifier from the client as "unique

hardware address" of the client, col. 4, lines 48-55. Thus, the above claim limitations are

obvious in view of the combination.

Claim Rejections - 35 USC § 103

1.   This application currently names joint inventors. In considering patentability of the

claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various

claims was commonly owned at the time any inventions covered therein were made absent any

evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out

the inventor and invention dates of each claim that was not commonly owned at the time a later

invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103©

and potential 35 U.S.C. 102(f) or (g) prior art under 35 U.S.C. 103(a).

2.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or
> described as set forth in section 102 of this title, if the differences between the subject
> matter sought to be patented and the prior art are such that the subject matter as a whole
> would have been obvious at the time the invention was made to a person having ordinary
> skill in the art to which said subject matter pertains. Patentability shall not be negatived
> by the manner in which the invention was made.

3.   Claims 3-13, 18-25, 29-32, 36-40 are rejected under 35 U.S.C. 103(a) as being

unpatentable by Pager et al. with Patent Number 6,772,420 over in view of Kathail et al. with

Patent Number 5,802,365.

4.   Regarding claim(s) 3, 9, 37, Pager teaches determining driver compatibility. Pager

teaches receiving a driver identifier for a printer attached to the client as "network device", col.

3, line 65, by the client as "itself ... with a unique IP address" and "automatically", col. 4, lines

4-6. Pager teaches selecting a closest matching driver as "matching", col. 4, lines 64-65. Pager

teaches installing the selected driver, col. 5, lines 28-31. Pager teaches printing using the

installed driver, col. 1, lines 13-17. Pager teaches a driver library as DLL, col. 4, lines 66-67.

Pager teaches installing a print driver on the server side as "installs it on a network server", col.

5, lines 29-30 for printing at the client printer as "querying the particular device", col. 5, lines

31-35. Pager teaches the invention in the above claim(s) except for explicitly teaching installing

a closest matching type driver system, such as by name and version, on the server side for

printing at the client printer. In that Pager operates to generate compatible drivers, the artisan

would have looked to the software upgrade arts for details of implementing software

compatibility. In that art, Kathail, a related driver installation system, teaches "automatically

determining a driver and corresponding family for a particular device", col. 54, lines 55-56 in

order to provide a driver for a device. Kathail specifically teaches "a name registry", col. 5, lines

29-30 based on driver name and version, col. 10, lines 65-66. Print driver selection is taught to

print at a client. Further, Kathail suggests further functions such as "driver's compatible names",

col. 23, line 36-37 will result from implementing his driver matching system. The motivation to

incorporate matching of drivers types insures that distributed processing in an open platform is

supported, especially with thin-clients. Thus, it would have been obvious to one of ordinary skill

in the art to incorporate a matching print driver type system as taught in Kathail into the driver

update system described in the Pager patent because Pager operates with drivers and Kathail

suggests that optimization can be obtained with print drivers based on various matching techniques. Therefore, by the above rational, the above claim(s) are rejected.

5.   Regarding claims 4, 29, 38, Kathail teaches a library, col. 6, lines 59-62. The motivation to incorporate matching of drivers types of systems insures that distributed processing in an open platform is supported, especially with thin-clients, as described above. Thus, the above claim limitations are obvious in view of the combination.

6.   Regarding claims 5, 18, 21, 30, 39, Kathail teaches same driver matching, col. 22, lines 40-41. The motivation to incorporate matching of drivers types of systems insures that distributed processing in an open platform is supported, especially with thin-clients, as described above. Thus, the above claim limitations are obvious in view of the combination.

7.   Regarding claims 6, 8, 19-20, 40, Kathail teaches different driver matching but one that corresponds with notification, col. 22, lines 59-60, 63-64. The motivation to incorporate matching of drivers types of systems insures that distributed processing in an open platform is supported, especially with thin-clients, as described above. Thus, the above claim limitations are obvious in view of the combination.

8.   Regarding claims 7, Kathail teaches checking device driver name changes by category, col. 23, lines 53-60. The motivation to incorporate matching of drivers types of systems insures that distributed processing in an open platform is supported, especially with thin-clients, as described above. Thus, the above claim limitations are obvious in view of the combination.

9.   Regarding claims 10-11, 22-23, 32, Kathail teaches driver matching but without regard to version, col. 23, lines 29-33 wherein first the driver names are matched, thus without regard to version, then "resolves prioritized ties by using version information" with relevant notification, col. 3, lines 41-42. The motivation to incorporate matching of drivers types of systems insures

that distributed processing in an open platform is supported, especially with thin-clients, as described above. Thus, the above claim limitations are obvious in view of the combination.

10.   Regarding claims 12-13, 24, Kathail teaches updating driver versions, col. 36, lines 10-14. The motivation to incorporate matching of drivers types of systems insures that distributed processing in an open platform is supported, especially with thin-clients, as described above. Thus, the above claim limitations are obvious in view of the combination.

11.   Regarding claims 31, Kathail teaches mapping drivers based on previous matches of devices as a device tree database and Name Registry, col. 6, lines 9, 23-25, 40-42 and installing new drivers, col. 6, lines 36-37 and 51-53 which inherently will have different names or identifiers. The motivation to incorporate matching of drivers types of systems insures that distributed processing in an open platform is supported, especially with thin-clients, as described above. Thus, the above claim limitations are obvious in view of the combination.

14.   Regarding claims 36, Pager teaches server applications executing at the server such as for a thin client, col. 4, lines 56-58. Thus, the above claim limitations are obvious in view of the combination.

Response to Amendment

1.   Based on the new grounds for rejection the applicants arguments are moot. The broad

claim language used is interpreted on its face and based on this interpretation the claims have

been rejected.

2.   The limited structure claimed, without more functional language, reads on the references

provided. Thus, Applicant's arguments cannot be held as persuasive regarding patentability.

Conclusion

1.   The prior art made of record and not relied upon is considered pertinent to applicant's disclosure is disclosed in the Notice of References Cited.   A close review of the Carter reference with Patent Number 6,201,611 is suggested. The other references cited teach numerous other ways to perform driver updates, thus a close review of them is suggested.

4.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

5.   A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

6.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephan Willett whose telephone number is (571) 272-3890. The examiner can normally be reached Monday through Friday from 8:00 AM to 6:00 PM.

7.   If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharia, can be reached on 571-272-4225. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

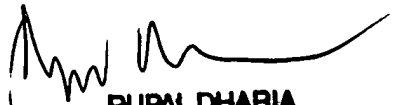1.   Any inquiry of a general nature or relating to the status of this application or proceeding

should be directed to the receptionist whose telephone number is (571) 272-2100.

sfw

December 8, 2004

RUPAL DHARIA
SUPERVISORY PATENT EXAMINER